

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

**Affirmation in Support of
Application for Order of Continuance**

WILLIAM McFARLAND,

17 Mag. 4988

Defendant.

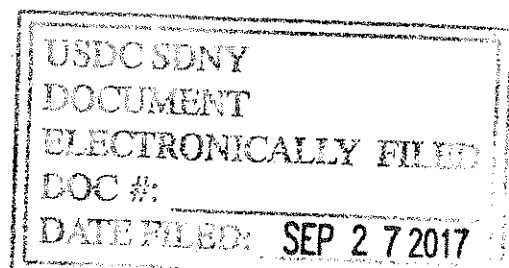
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State of New York)
County of New York : ss.:
Southern District of New York)

Kristy Greenberg, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Joon H. Kim, Acting United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. §3161(h)(7)(A).

2. The defendant was charged in a complaint dated June 30, 2017, with a violation of wire fraud. The defendant was arrested on June 30, 2017, and was presented before Magistrate Judge Kevin Nathaniel Fox on July 1, 2017. The defendant was represented by Randall Jackson, Esq. and ordered released on the following conditions: \$300,000 personal recognizance bond, to be secured by \$50,000 cash or property, to be cosigned by 2 financially responsible persons; travel restricted to the SDNY, EDNY, and DNJ districts; surrender of travel documents and no new applications; pretrial supervision; defendant to submit to urine analysis and if positive condition of drug testing/treatment to be added.



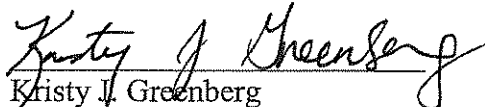
3. On July 1, 2017, prior defense counsel consented to a waiver of her client's right pursuant to Rule 5.1 of the Federal Rules of Criminal Procedure to a preliminary hearing within 21 days of the initial appearance. Accordingly, under the Speedy Trial Act the Government initially had until July 31, 2017 within which to file an indictment or information. On July 31, 2017, Magistrate Judge Gabriel W. Gorenstein entered an Order of Continuance, pursuant to 18 U.S.C. §3161(h)(7)(A), extending the time within which an indictment or information would otherwise have had to be filed in this case until August 30, 2017. On August 30, 2017, Magistrate Judge Judge Kevin Nathaniel Fox entered an Order of Continuance, pursuant to 18 U.S.C. §3161(h)(7)(A), extending the time within which an indictment or information would otherwise have had to be filed in this case until September 29, 2017.

4. On September 27, 2017, Randall Jackson, Esq., counsel for defendant, and Assistant United States Attorney Kristy Greenberg signed and submitted to the magistrate court a notice of intent to file an information. We do not anticipate that the information will be filed before the deadline under the Speedy Trial Act expires on September 29, 2017.

5. The Government is requesting a 7-day continuance until October 6, 2017, to afford sufficient time for a district court judge to be assigned and a court appearance to be scheduled so that the defendant can be advised of the nature of the charges and his rights so that he may waive, in open court, prosecution by indictment and consent to proceeding by information instead of indictment. On September 26, 2017, I personally communicated with defense counsel who specifically consented to this request. This application has been authorized by Assistant United States Attorney Andrew Dember, Deputy Chief of the Criminal Division.

6. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

Dated: New York, New York
September 27, 2017


Kristy J. Greenberg
Assistant United States Attorney
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